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Attorney General Racine Sends Letter Querying Large Companies on Use of On-Call Scheduling

Practice Can Cause Serious Hardships for Workers

WASHINGTON, D. C. – Attorney General Karl A. Racine joined his counterparts from eight other states today in sending letters to a number of large retail companies regarding their practice of scheduling “on-call” shifts. Employees assigned to such shifts must call their employer – typically only an hour or two before a scheduled shift – to find out if they will be assigned to work that day. This can create significant hardships for workers.

The Attorney General’s letter seeks information and documents related to the companies’ use of on-call shifts.

“This is a question of basic fairness for working people,” Attorney General Racine said. **“Workers whose employers use on-call scheduling must keep the day free, arrange child care, and give up the chance to work at another job or attend school. This kind of scheduling is not a business necessity, as many retailers have proven by ceasing their use of this unfair practice.”**

The collaboration among attorneys general stemmed from their collective concern about the impact of on-call shifts on employees and their families, as well as the national scope of the retail companies involved.

The letter states, “Unpredictable work schedules take a toll on employees. Without the security of a definite work schedule, workers who must be “on call” have difficulty making reliable childcare and elder-care arrangements, encounter obstacles in pursuing an education, and in general experience higher incidences of adverse health effects, overall stress, and strain on family life than workers who enjoy the stability of knowing their schedules reasonably in advance.”

It continues, “Our letter today is prompted by the concerns outlined above and by our shared interest in the well-being of workers nationwide,” and notes that certain states have laws regarding reporting or call in pay laws applicable within those jurisdictions.

D.C. law requires employers to pay employees who report for work on a given day but are not assigned any work at least four hours of regular wages. “The employer shall pay the employee for at least four (4) hours for each day on which the employee reports for work under general or specific instructions but is given no work or is given less than four hours of work, except that if the employee is regularly scheduled for less than four hours a day, such employee shall be paid for the hours regularly scheduled. The minimum daily wage shall be calculated as follows: payment at the employee's regular rate for the hours worked, plus payment at the minimum wage for the hours not worked, as described above.” 7 D.C.M.R. § 907.1.

Versions of the attached letter sent to retailers were signed by representatives of the attorneys general of California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, New York, and Rhode Island. Several offices sent letters only to retailers who have locations in their states. The letters went to 13 retailers who have stores in the District or in the Washington metropolitan region.

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